IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	09/533,421
Applicant	:	Charles S. Roberson
Confirmation No.	:	8630
Filed	:	March 22, 2000
TC/A.U.	:	2616
Examiner	:	Mered, Habte
Customer No.	:	27896
Docket No.	:	0370.0724C (formerly CISCP794)
Title	:	Method and Apparatus for Controlling the Operation of a Flexible Cross-Connected System

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Statement Of Richard Butler On Behalf Of Cisco Technology, Inc.

Sir:

I hereby declare as follows:

1.   I am a Director of Intellectual Property for Cisco Systems, Inc., the entity that owns and manages the patent applications that are assigned to Cisco Technology, Inc. ("Cisco"), and the assignee of the above-identified patent application. In this capacity, I manage several other in-house Cisco patent attorneys that interface with outside patent law firms that write and prosecute patent applications for Cisco. Cisco refers to its in-house patent attorneys as "portfolio managers".

2.   Each portfolio manager assigns new invention disclosures to multiple outside patent law firms for preparation, filing and prosecuting with the U.S. Patent & Trademark Office (USPTO). While there are only 5 Cisco portfolio managers, Cisco has thousands of patent applications pending with the USPTO.

3.   Due to the very large number of pending Cisco patent applications, Cisco does not maintain physical files for its patent applications. Cisco relies on its outside patent law firms to maintain the physical files and a docket for all of the patent applications they are handling. While Cisco does not maintain a detailed docketing system to duplicate those

docketing systems maintained by outside law firms, Cisco does maintain a database that, in part, provides tracking information for pending applications. Cisco's portfolio managers use this database for a number of tasks, including quality assurance, such as checking progress and status for selected applications.

4.   Cisco has developed and promulgated detailed guidelines for its outside law firms that handle prosecution. Under these guidelines, outside law firms are responsible for handling day-to-day prosecution activities, such as responding to outstanding Office Actions. The outside law firms are also responsible for notifying Cisco of Office Actions in Cisco patent application and the filing of responses to Office Actions.

5.   During the prosecution of a patent application, it is not uncommon for there to be no direct dialog between Cisco and its outside firm about a patent application until a significant event occurs or a significant decision must be made, such as a decision on whether to let a patent application go abandoned by not responding to a Final Office Action. When a decision is to be made as to whether to let a patent application go abandoned by not responding to an Office Action, Cisco requires that the outside patent law firm contact the appropriate portfolio manager to discuss the matter. Cisco never intentionally lets a patent application go abandoned without specific instructions to the outside patent law firm instructing it to do so. For the above-identified patent application, Cisco did not provide any instructions regarding abandonment and did not intend to abandon the application.
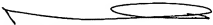
6.   While Cisco's portfolio managers rely on outside law firms to manage day-to-day prosecution activities for pending applications, the portfolio managers regularly conduct activities that permit them to spot check pending applications. On January 6, 2009, Laurie Mintz, a portfolio manager for Cisco, was reviewing information in Cisco's database for a patent application handled by the outside patent law firm Aka Chan, LLP (the "Aka firm") and discovered that the information in Cisco's database indicated that a response to an Office Action had not been filed. Upon discovering that several patent

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applications handled by the Aka firm had gone abandoned, Ms. Mintz immediately brought this to my attention.

7.   In the days following the discovery of the abandonments, I personally worked with the Aka firm and another of Cisco's outside law firms, Edell, Shapiro & Finnan (the "ESF firm"), to identify the unintentionally abandoned applications, prepare appropriate responses and petitions, and file those responses and petitions with the USPTO.

8.   Cisco never intended that the above-identified patent application go abandoned. Immediately upon learning of the unintentional abandonment, I personally took steps to ensure that an appropriate response and petition was filed for this application.

9.   I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Richard Butler   Date   5/29/09
Director, Intellectual Property
Cisco Systems, Inc.

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